

1 DAVID BURCHARD,  
2 CHAPTER 13 TRUSTEE  
3 PO BOX 8059  
4 FOSTER CITY, CA 94404  
5 Tel: (650) 345-7801 Fax: (650) 345-1514  
6 Tel: (707) 544-5500 Fax: (707) 544-0475

7 **UNITED STATES BANKRUPTCY COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 ) Case No.: 10-1-0390 AJ13  
10 )  
11 In re )  
12 ROBERT DECOITE JR. and ALICIA N. ) **TRUSTEE'S OBJECTION TO DEBTOR'S**  
13 DECOITE ) **APPLICATION TO MODIFY CHAPTER**  
14 ) **13 PLAN**  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
Debtor.

16 **TO THE UNITED STATES BANKRUPTCY JUDGE, DEBTOR(S)' COUNSEL,**  
17 **DEBTOR(S), AND OTHER PARTIES IN INTEREST:**

19 David Burchard, Chapter 13 Trustee ("Trustee"), for the Santa Rosa and San Francisco  
20 Divisions of the United States Bankruptcy Court for the Northern District of California, hereby  
21 submits the following Objection to Application to Modify Chapter 13 Plan proposed by  
22 DANIEL B. BECK for ROBERT DECOITE JR. and ALICIA N. DECOITE ("Debtor(s)").  
23 This objection is based upon all pleadings, papers and documents filed herein, together with  
24 those matters of which judicial notice has been requested, and any oral argument, which may be  
25 presented.

26 The Trustee hereby objects to the Application to Modify Chapter 13 Plan, dated April 17,  
27 2014.

28 ///

///

1 The Trustee is unable to verify the basis for the application and Debtor's substantial  
2 change in income and/or expenses without Debtor providing the following information:

3  
4 ☐ Amended Schedules I and J

5 ☐ A signed copy of 20\_\_ Federal Income Tax Returns

6 ☐ Verification of income to substantiate change in plan payments

7 ☒ Other: Final lump sum payment as proposed in paragraph 5 should reflect  
8 \$2,150.00 in order to pay all secured and administrative claims in full.

9 ☒ Paragraph 3 requires that Debtors obtain a Court order sustaining their objection  
10 to claim prior to the approval of this plan modification. Trustee requests the  
11 removal of paragraph 4, which proposes to reduce the interest rate already paid on  
12 a vehicle claim. Trustee has correctly disbursed to Wachovia Dealer Services for  
13 a secured vehicle claim of \$13,375.07 at 9.9% interest rate pursuant to Debtors'  
14 confirmed Plan, dated March 26, 2010. Debtors cannot reduce retroactively  
15 already disbursed funds and reduce the interest rate to 4.00% as proposed in this  
16 modification.

17 Therefore, the Trustee requests that this objection be sustained, Debtor's Application to  
18 Modify Chapter 13 Plan be denied, and other relief this Court deems proper.

19 Dated: April 25, 2014

20 /s/ David Burchard  
21 DAVID BURCHARD  
22 CHAPTER 13 TRUSTEE  
23  
24  
25  
26  
27  
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28